

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

IN RE:)	Case No. 21-05193
)	(Subchapter V)
FORD CITY CONDOMINIUM)	
ASSOCIATION,)	Chapter 11
)	
Debtor.)	Honorable Judge Carol A. Doyle

**SUBCHAPTER V TRUSTEE'S STATUS REPORT
REGARDING ORDER SUPPLEMENTING ORDER GRANTING
MOTION FINDING CONTEMPT AND AWARDING DAMAGES**

William B. Avellone (the "Trustee"), as the duly appointed subchapter V trustee appointed in the above-captioned bankruptcy case of Ford City Condominium Association (the "Debtor"), by his undersigned counsel, submits this status report regarding the *Order Supplementing Order Granting Motion Finding Contempt and Awarding Damages* (the "Contempt Order") (ECF No. 224 and ECF No. 52, 21-00183) and states as follows:

1. On September 23, 2022, counsel for the Trustee served a copy of the Contempt Order on: (i) Ebony Lucas via e-mail at elucas@plgesq.com (the e-mail address associated with Ms. Lucas' CM/ECF account and which is listed on the website for The Property Law Group, LLC ("PGL")) and via U.S. Mail at what is believed to be her home address based on publicly available property records; and (ii) PGL via U.S. Mail at the address listed for service of process on the Illinois Secretary of State's website. *See* ECF No. 225.

2. On October 5, 2022, two days before the deadlines set forth in the Contempt Order, counsel for the Trustee e-mailed Ms. Lucas indicating that counsel had not heard from Ms. Lucas regarding the Contempt Order and urging her to contact counsel to arrange payment and turnover

of the Debtor's case files. *See* E-mail correspondence between Elizabeth Janczak and Ebony Lucas dated October 5, 2022, attached hereto as Exhibit 1.

3. That same day, Ms. Lucas responded from her elucas@plgesq.com e-mail address that she was out of town due to a death in the family, but that her prior assistant had provided electronic access through "mycase," that she was no longer working with PGL, and that she had nothing else to give. *Id.*

4. Counsel for the Trustee responded expressing her condolences for Ms. Lucas' loss and requested that Ms. Lucas contact counsel upon her return to avoid any further sanctions being entered by the Court. *Id.* Counsel for the Trustee further expressed confusion regarding mycase access, indicated counsel had not received anything from Ms. Lucas' prior assistant, and asked that Ms. Lucas put counsel in touch with whomever is in charge at PGL. *Id.* Ms. Lucas did not respond to this e-mail or counsel's request.

5. After the court hearing on October 13, 2022, the Trustee and his counsel again searched their records relating to "mycase" access. MyCase appears to be a case management software platform for law firms and their clients.¹

6. The Trustee, his property management firm, and his counsel searched their e-mails for e-mails from Ms. Lucas or PGL providing access to MyCase. They were not able to locate an e-mail from Ms. Lucas or PGL, but the Trustee did locate a September 2021 e-mail forwarded from a former board member that included a link to the Debtor's MyCase portal and the former board's log-in and password details. The Trustee's counsel was able to access this portal with those credentials on October 13, 2022. The MyCase portal included 31 separate case file folders, but only 12 of the folders contained documents and at least some of those folders appear to be

¹ <https://www.mycase.com/>

incomplete. The Trustee has downloaded the folders containing documents, but no electronic communications were located in the portal. The MyCase portal also included a billing and payment history, with downloadable copies of invoices. The Trustee has also downloaded copies of the invoices.

7. Upon logging into the MyCase portal the Trustee's counsel noticed that the top of the webpage states "The Closing Firm, LLC" despite it being the MyCase portal for PLG (plgesq.mycase.com). *See* Screenshot of PLG MyCase Portal for Debtor, attached hereto as Exhibit 2.

8. Being unfamiliar with the firm name, the Trustee's counsel ran a search through the Illinois Secretary of State's website and discovered that The Closing Firm, LLC is an Illinois limited liability company whose manager and registered agent are identified as Ebony Lucas and whose principal place of business is listed as 641 E. Pershing Road, Ste. E, Chicago, IL 60653 – the same business address as PLG. *See* LLC File Detail Report for The Closing Firm LLC, Real Estate Legal Services, attached hereto as Exhibit 3.

9. The Illinois Secretary of State's website states that The Closing Firm, LLC was organized on August 5, 2022, which is just 15 days after this Court entered summary judgment in favor of the Trustee and against PGL on the Trustee's preference claim and issued the order compelling PGL to produce the very case files and communications that are the subject of the Contempt Order. *See* ECF Nos. 48 and 49, Case No. 21-00183.

10. With this new information, the Trustee's counsel ran a further search across their e-mails which revealed that on October 3, 2022, Ms. DeRousse and Ms. Janczak each received e-mails from The Closing Firm, LLC with the subject line "Please activate your account with the Closing Firm, LLC". *See* E-mail from The Closing Firm, LLC dated October 3, 2022, attached here to as Exhibit 4. Ms. DeRousse and Ms. Janczak were unfamiliar with this law firm and had

ignored the e-mail believing it to be spam. Ms. DeRousse and Ms. Janczak each activated their accounts, with different results. Ms. DeRousse's account contained 5 case folders, but none of those folders contained documents. Ms. Janczak's account contained only 1 case folder, but that folder did not contain any documents.

11. In summary, as of the date of this status report the Trustee has reason to believe that there are additional case file documents and communications in the possession of PGL and/or Ms. Lucas which have not been turned over to the Trustee. Furthermore, as of the date of this status report, neither the Trustee nor his counsel has received payment from Ms. Lucas or PGL of the \$2,924 in fees as required by the Contempt Order.

FREEBORN & PETERS LLP

By: /s/ Elizabeth L. Janczak
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CERTIFICATE OF SERVICE

I, Elizabeth L. Janczak, an attorney, hereby certify that on October 14, 2022, I caused a true and correct copy of the foregoing *Subchapter V Trustee's Status Report Order Supplementing Order Granting Motion Finding Contempt and Awarding Damages* to be served upon the following parties by the manner listed below.

/s/ Elizabeth L. Janczak

E-Mail Service
elucas@plgesq.com

U.S. Mail Service List

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c/o Ebony Lucas, Registered Agent
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Chicago, IL 60653

Ebony Lucas
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